

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for maintaining the indication that claim 21 is allowable.

In the Final Official Action, the Examiner maintains the rejection of claims 1, 15, 16, 18-20 and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,982,725 to Hibino et al., (hereinafter “Hibino”). Additionally, the Examiner maintains the rejection of claims 8, 9, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Hibino in view of U.S. Patent No. 5,609,563 to Suzuki et al., (hereinafter “Suzuki”).

In response, Applicants again respectfully traverse the Examiner’s rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below.

As discussed previously, claim 1 recites a buffering member to connect a main frame to which is connected the inserting portion and the frame unit, the buffering member absorbing external force applied to the inserting portion while claim 18 recites a buffering member to connect the main frame and the frame unit, the buffering member absorbing external force applied to the inserting portion. Applicants again respectfully submit that neither Hibino nor Suzuki discloses the buffering member as recited in claims 1 and 18.

Applicants further again submit that Hibino neither discloses nor suggests that the first unit and the second unit are separate. At column 46, lines 48-52 of Hibino, Applicants understand the same to disclose that the video-processor is removably connected to the connector 503 (as shown in Figure 12). Applicants understanding is further supported by the fact that no removable connector is shown in the Figures (as admitted by the Examiner in item 2 above) or discussed with any detail. Thus, Applicants respectfully submit that the

removable connection disclosed at column 46, lines 48-52 in Hibino is the one between the connector and the video-processor (see further explanation below).

Applicants again submit that Hibino does not disclose or suggest any member that can absorb the external force (surplus force), so that the force applied to the inserting portion by external operation may be absorbed between the first end and the second end. Hibino simply fails to disclose or suggest anything corresponding to the buffering member as recited in claims 1 and 18.

In the Examiner's response to arguments section of the Final Official Action, the Examiner continues to argue that Hibino teaches the second unit 503 being removably connected to the first unit (citing column 46, lines 48-52 of Hibino).

In Fig. 16 of Hibino, the reference numeral 665 is a cable merely for connecting the connector 503 that is connected to the light source apparatus to the bending controlling apparatus 663. Therefore, even if the inserting portion 504 is applied with a force that is conveyed to the connector 503 via the cable 506, the connector 503 is not moved by the movement of the cable 506 since the connector 503 is connected to the light source apparatus 661. For this reason, the cable 665 does not (and cannot) function as a buffering member for absorbing the applied force.

Furthermore, in Fig. 16, the bending controlling apparatus 663 is not provided with a motor. Therefore, the connector 503 and the bending controlling apparatus 663 cannot be taken as the main frame and the frame unit, respectively.

Also in Fig. 18, there is no disclosure or suggestion of the buffering member 8 (as well as 16,17, 18 and 40) for connecting the main frame 4A and the frame unit 3 and absorbing an externally applied force, which is a characterizing feature of claims 1 and 18.

**Furthermore, Applicants respectfully submit that the Examiner may be confused by errors contained in Hibino.**

Specifically, the Examiner argues that Hibino teaches the second unit 503 is removably connected to the first unit at column 46, lines 48-52. **However, Hibino uses reference 503 in the Figures to denote three different features (Figures 12, 16 and 18 all use reference numeral 503 for three different features).** Therefore, Applicants submit that the portion of the specification cited by the Examiner at column 46, lines 48-52 refers to the reference numeral 503 that is illustrated in Figure 12 (that is, the video-processor is removably connected to the connector 503 as shown in Figure 12). The Examiner mistakenly feels that the cited portion of column 46, lines 48-52 refers to the connector 503 that is shown in Figure 18. Applicants submit that the first portion of the paragraph starting at column 46, line 46 refers to the connector 503 shown in Figure 18 that is connected to the insertion part 504 of the endoscope. However, the second portion of the paragraph starting at column 46, line 46 refers to the connector 503 shown in Figure 12 that is removably connected to the video processor. Therefore, Hibino does not disclose or suggest the second unit being removably connected to the first unit.

With regard to the rejection of claims 1, 15, 16, 18-20 and 22 under 35 U.S.C. § 102(b), an electric bending endoscope having the features discussed above and as recited in independent claims 1 and 18, is nowhere disclosed in Hibino. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”<sup>1</sup> independent claims 1 and 18 are not anticipated by Hibino. Accordingly, independent claims 1 and 18 patentably distinguish

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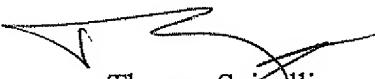
<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

over Hibino and are allowable. Claims 15, 16 19, 20 and 22 being dependent upon claims 1 and 18, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 15, 16, 18-20 and 22 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 8, 9, 23 and 24 under 35 U.S.C. § 103(a), since independent claims 1 and 18 patentably distinguish over the prior art and are allowable, claims 8, 9, 23 and 24 are at least allowable therewith because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 8, 9, 23 and 24 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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